

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Peter Palese et al.

Serial No.: 09/070,629

Filed: April 30, 1998

For: RECOMBINANT INFLUENZA  
VIRUSES EXPRESSING TUMOR-  
ASSOCIATED ANTIGENS AS  
ANTITUMOR AGENTS



Group Art Unit: 1642

Examiner: Not yet assigned

Attorney Docket No.: 6923-071

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the "Notice To File Missing Parts Of Application - Filing Date Granted" dated June 5, 1998, Applicants respectfully submit herewith a combined Declaration And Power Of Attorney with a copy of the Notice.

Applicants invite the U.S. Patent and Trademark Office's attention to the fact that this application claims priority to provisional application serial no. 60/045,176, filed April 30, 1997, which as filed named four inventors: Peter Palese, Adolfo Garcia-Sastre, Nicholas P. Restifo and Steven A. Rosenberg. The above-captioned application as filed was accompanied by an unexecuted Oath and Declaration which named the four same inventors. Upon further investigation, it has come to our attention that Steven A. Rosenberg was incorrectly named as an inventor. This mistake in inventorship arose through an error and is not the result of deceptive intent. Applicants submit herewith an executed Oath and Declaration naming the correct inventors: Peter Palese, Adolfo Garcia-Sastre and Nicholas P. Restifo.

12/11/1998 ZABDALLA 00000025 161150 09070629

01 FC:105 130.00 CH

The fee required for this submission is \$ 130.00, as indicated on the Notice.

Please charge same to Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date December 7, 1998

*Laura A. Coruzzi* by: *Jacqueline Bunn*  
\_\_\_\_\_  
Laura A. Coruzzi 30,742 Reg No.  
PENNIE & EDMONDS LLP (Reg. No.) 743,492  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090  
Attorneys For Applicants

Enclosures



**EXPRESS MAIL NO.: EL 168 275 859 US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Peter Palese et al.

Serial No.: 09/070,629

Group Art Unit: 1642

Filed: April 30, 1998

Examiner: Not yet assigned

For: RECOMBINANT INFLUENZA  
VIRUSES EXPRESSING TUMOR-  
ASSOCIATED ANTIGENS AS  
ANTITUMOR AGENTS

Attorney Docket No.: 6923-071

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed please find the original and one copy of the filing receipt for the above-identified U.S. application.

Applicants respectfully request that the PTO issue a new filing receipt to reflect the names of the correct inventors: Peter Palese, Leonia, NJ, Adolfo Garcia-Sastre, New York, NY, and Nicholas P. Restifo, Washington, D.C. The correct inventors are named in the executed oath and declaration, filed concurrently, and therefore should be correctly listed on the new filing receipt.

Applicants believe no fee should be required, however, should the Patent Office determine otherwise, please charge the necessary fee to Pennie & Edmonds LLP deposit account no. 16-1150. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: December 7, 1998

*Laura A. Coruzzi* by: *Jacqueline Benn*  
Laura A. Coruzzi 30,742 Reg No  
PENNIE & EDMONDS LLP (Reg. No.) P.43,492  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTORNEY DOCKET NO. | DRWGS | TOT CL | IND CL |
|--------------------|-------------|--------------|---------------|---------------------|-------|--------|--------|
| 09/070,629         | 04/30/98    | 1642         | \$0.00        | 6923-071-999        | 4     | 75     | 1      |

PENNIE & EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-2711

|  |
|--|
| REFERRED TO<br>REC'D<br><br>JUN 19 1998<br><br>Pennie & Edmonds<br>O.K. for filing |
|--|

DIS 7/30/98  
FOR 12/30/93  
CLX 4/30/99

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

PETER PALESE, LEONIA, NJ; ADOLFO GARCIA-SASTRE,  
NEW YORK, NY; STEVEN A. ROSENBERG, BETHESDA, MD.

CONTINUING DATA AS CLAIMED BY APPLICANT-

PROVISIONAL APPLICATION NO. 60/045,176 04/30/97

FOREIGN FILING LICENSE GRANTED 06/02/98

TITLE

RECOMBINANT INFLUENZA VIRUSES EXPRESSING TUMOR-ASSOCIATED ANTIGENS AS  
ANTITUMOR AGENTS

PRELIMINARY CLASS: 424